

By Senator DiCeglie

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1 A bill to be entitled
2 An act relating to building permits and inspections;
3 amending s. 125.56, F.S.; providing for expiration of
4 certain building permits issued by a county; amending
5 s. 489.129, F.S.; providing that certain persons are
6 not subject to discipline for performing a job without
7 applicable permits and inspections if otherwise
8 authorized by law; amending s. 553.73, F.S.; requiring
9 the Florida Building Commission to modify the Florida
10 Building Code to exempt from building permit
11 requirements the installation of certain walls or
12 barriers; requiring the commission to modify the
13 Florida Building Code to state that a permit is not
14 required for each lot or parcel for installation of
15 certain retaining walls; amending s. 553.79, F.S.;
16 providing for expiration of certain building permits
17 issued by a local government; providing limits for
18 inspection fees; prohibiting a local government from
19 requiring building permits for certain projects;
20 providing an exception; requiring certain contractors
21 to maintain certain records; amending s. 553.791,
22 F.S.; revising definitions and defining terms;
23 requiring certain services to be subject to an
24 agreement, rather than a written contract; providing
25 that such agreement is not required to be submitted as
26 part of a permit application; prohibiting a local
27 building official or local government entity from
28 requesting such agreement or consent form as a
29 condition for issuing a permit; providing requirements

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for reduced permit fees; prohibiting a local jurisdiction from charging certain administrative fees or other additional fees; prohibiting local governmental entities and local building officials from requiring additional forms in certain circumstances; prohibiting local governmental entities and local building officials from altering a form adopted by the commission; deleting a requirement that a private provider's qualification statements or resumes be included in a certain notice; deleting time restrictions for electing to use a private provider; requiring that a certain affidavit may be submitted electronically; specifying which forms and documents a local building official may and may not review; requiring that written notice of incomplete forms be given to an applicant within a specified timeframe; revising the timeframes in which certain notices must be sent; providing that certain permits are deemed approved; providing requirements for a private provider's duly authorized representatives; deleting provisions requiring a private provider to provide notice to the local building official to perform inspections; providing that local building officials are not responsible for the administration or supervision of services performed by a private provider; prohibiting local building officials from failing certain inspections under certain circumstances; revising the timeframe in which certain records must be provided; authorizing certain persons

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to sign certificates of compliance; providing requirements for local building officials who have actual knowledge that a private provider failed to perform an inspection; requiring certain entities to establish a system of registration; prohibiting a local building official from charging certain administrative fees; providing that certain virtual inspections may not be prohibited or limited; requiring certain notice before an audit; prohibiting certain entities from discouraging the use of private providers; amending s. 553.792, F.S.; requiring the commission to develop a uniform building permit application; requiring that the application include certain information; requiring a local government to make certain decisions relating to certain building permits within a specified timeframe; specifying that certain permit applications are deemed approved and must be issued within a certain timeframe; amending s. 720.3035, F.S.; prohibiting an association or certain committees from requiring a building permit as a prerequisite for a certain review; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (d) of subsection (4) of section 125.56, Florida Statutes, is amended to read:

125.56 Enforcement and amendment of the Florida Building Code and the Florida Fire Prevention Code; inspection fees;

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inspectors; etc.—

(4)

(d) A county that issues building permits may send a written notice of expiration, by e-mail or United States Postal Service, to the owner of the property and the contractor listed on the permit, no less than 30 days before a building permit is set to expire. The written notice must identify the permit that is set to expire and the date the permit will expire. A building permit issued by a county for a single-family dwelling expires 180 days after the issuance of the permit or the effective date of the next edition of the Florida Building Code, whichever is later.

Section 2. Paragraph (o) of subsection (1) of section 489.129, Florida Statutes, is amended to read:

489.129 Disciplinary proceedings.—

(1) The board may take any of the following actions against any certificateholder or registrant: place on probation or reprimand the licensee, revoke, suspend, or deny the issuance or renewal of the certificate or registration, require financial restitution to a consumer for financial harm directly related to a violation of a provision of this part, impose an administrative fine not to exceed \$10,000 per violation, require continuing education, or assess costs associated with investigation and prosecution, if the contractor, financially responsible officer, or business organization for which the contractor is a primary qualifying agent, a financially responsible officer, or a secondary qualifying agent responsible under s. 489.1195 is found guilty of any of the following acts:

(o) Proceeding on any job without obtaining applicable

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117 local building department permits and inspections, unless
118 otherwise provided by law.

119
120 For the purposes of this subsection, construction is considered
121 to be commenced when the contract is executed and the contractor
122 has accepted funds from the customer or lender. A contractor
123 does not commit a violation of this subsection when the
124 contractor relies on a building code interpretation rendered by
125 a building official or person authorized by s. 553.80 to enforce
126 the building code, absent a finding of fraud or deceit in the
127 practice of contracting, or gross negligence, repeated
128 negligence, or negligence resulting in a significant danger to
129 life or property on the part of the building official, in a
130 proceeding under chapter 120.

131 Section 3. Paragraphs (h) and (i) are added to subsection
132 (7) of section 553.73, Florida Statutes, to read:

133 553.73 Florida Building Code.—

134 (7)

135 (h)1. The commission shall modify the Florida Building Code
136 to exempt from building permit requirements the installation of
137 residential hurricane and flood protection walls or barriers
138 that meet all of the following conditions:

139 a. The wall or barrier is nonhabitable and nonload-bearing.

140 b. The wall or barrier is installed on the residential
141 property of a single-family or two-family dwelling or townhouse.

142 c. The wall or barrier is constructed to mitigate or
143 prevent storm surge or floodwaters from entering a structure or
144 property.

145 d. The wall or barrier is installed by a contractor

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146 licensed under part I of chapter 489.

147 e. The wall or barrier complies with applicable local
148 zoning, drainage, easement, and setback requirements.

149 2. The commission may adopt rules under s. 120.54 to
150 incorporate necessary standards to implement this paragraph.

151 (i) The commission shall modify the Florida Building Code
152 to state that building permits for retaining walls installed on
153 the residential property of a single-family or two-family
154 dwelling or a townhouse are not required for each lot or parcel.

155 Section 4. Paragraphs (a), (c), and (d) of subsection (1)
156 of section 553.79, Florida Statutes, are amended, and paragraph
157 (g) is added to that subsection, to read:

158 553.79 Permits; applications; issuance; inspections.—

159 (1)(a) Unless otherwise provided by law, after the
160 effective date of the Florida Building Code adopted as herein
161 provided, it shall be unlawful for any person, firm,
162 corporation, or governmental entity to construct, erect, alter,
163 modify, repair, or demolish any building within this state
164 without first obtaining a permit therefor from the appropriate
165 enforcing agency or from such persons as may, by appropriate
166 resolution or regulation of the authorized state or local
167 enforcing agency, be delegated authority to issue such permits,
168 upon the payment of such reasonable fees adopted by the
169 enforcing agency. The enforcing agency is empowered to revoke
170 any such permit upon a determination by the agency that the
171 construction, erection, alteration, modification, repair, or
172 demolition of the building for which the permit was issued is in
173 violation of, or not in conformity with, the provisions of the
174 Florida Building Code. Whenever a permit required under this

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175 section is denied or revoked because the plan, or the
176 construction, erection, alteration, modification, repair, or
177 demolition of a building, is found by the local enforcing agency
178 to be not in compliance with the Florida Building Code, the
179 local enforcing agency shall identify the specific plan or
180 project features that do not comply with the applicable codes,
181 identify the specific code chapters and sections upon which the
182 finding is based, and provide this information to the permit
183 applicant. A plans reviewer or building code administrator who
184 is responsible for issuing a denial, revocation, or modification
185 request but fails to provide to the permit applicant a reason
186 for denying, revoking, or requesting a modification, based on
187 compliance with the Florida Building Code or local ordinance, is
188 subject to disciplinary action against his or her license
189 pursuant to s. 468.621(1)(i). Installation, replacement,
190 removal, or metering of any load management control device is
191 exempt from and shall not be subject to the permit process and
192 fees otherwise required by this section.

193 (c) A local government that issues building permits may
194 send a written notice of expiration, by e-mail or United States
195 Postal Service, to the owner of the property and the contractor
196 listed on the permit, no less than 30 days before a building
197 permit is set to expire. The written notice must identify the
198 permit that is set to expire and the date the permit will
199 expire. A building permit issued by a local government for a
200 single-family dwelling expires 180 days after the issuance of
201 the permit or the effective date of the next edition of the
202 Florida Building Code, whichever is later.

203 (d) A local enforcement agency must allow requests for

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inspections to be submitted electronically to the local enforcement agency's appropriate building department. Acceptable methods of electronic submission include, but are not limited to, e-mail or fill-in forms available on the website of the building department or through a third-party submission management software or application that can be downloaded on a mobile device. Requests for inspections may be submitted in a nonelectronic format, at the discretion of the building official. Inspection fees may not be based on the total cost of a project and may not exceed the actual inspection costs incurred by the local enforcement agency.

(g)1. A local government that issues building permits may not require an owner of a single-family dwelling or the owner's contractor to obtain a building permit to perform any work that is valued at less than \$7,500 on the single-family dwelling's lot. However, a local government may require a building permit for any electrical, plumbing, or structural work, not including the repair or replacement of exterior doors or windows, performed on a lot containing a single-family dwelling regardless of the value of the work.

2. A contractor who performs work that does not require a building permit under this paragraph must keep a written record of the work performed, the property address at which the work was performed, and the value of such work as proof that such work complies with subparagraph 1.

Section 5. Section 553.791, Florida Statutes, is amended to read:

553.791 Alternative plans review and inspection.—

(1) As used in this section, the term:

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(a) "Applicable codes" means the Florida Building Code and any local technical amendments to the Florida Building Code but does not include the applicable minimum fire prevention and firesafety codes adopted pursuant to chapter 633.

(b) "Audit" means the process to confirm that the building code inspection services have been performed by the private provider, which is strictly limited to ~~including~~ ensuring that the required affidavit for the plan review has been properly completed and submitted with the permit documents and that the minimum mandatory inspections required under the Florida Building Code have been performed and properly recorded. The local building official may not replicate the plan review or inspection being performed by the private provider. The local building official may perform a site visit in connection with the audit only when the local building official has actual knowledge that the forms and documents submitted by the private provider are incomplete or incorrect, in which case the local building official must provide written notice to the private provider of the specific forms and documents that are incomplete or incorrect before performing a site visit, ~~unless expressly authorized by this section.~~

(c) "Building" means any construction, erection, alteration, demolition, or improvement of, or addition to, any structure or site work for which permitting by a local enforcement agency is required.

(d) "Building code inspection services" means those services described in s. 468.603(5) and (8) involving the review of building plans as well as those services involving the review of site plans and site work engineering plans or their

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functional equivalent, to determine compliance with applicable codes and those inspections required by law, conducted either in person or virtually, of each phase of construction for which permitting by a local enforcement agency is required to determine compliance with applicable codes.

(e) "Deliver" or "delivery" means any method of delivery used in conventional business or commercial practice, including delivery by electronic transmissions such as e-mail or any other form of electronic communication used to transmit information.

(f) "Duly authorized representative" means an agent of the private provider identified in the permit application who reviews plans or performs inspections as provided by this section and who is licensed as an engineer under chapter 471 or as an architect under chapter 481 or who holds a standard or provisional certificate under part XII of chapter 468. A duly authorized representative who only holds a provisional certificate under part XII of chapter 468 must be under the direct supervision of a person licensed as a building code administrator under part XII of chapter 468.

(g) "Electronic signature" means any letters, characters, or symbols manifested by electronic or similar means which are executed or adopted by a party with an intent to authenticate a writing or record.

(h) "Electronic transmission" or "submitted electronically" means any form or process of communication not directly involving the physical transfer of paper or another tangible medium which is suitable for the retention, retrieval, and reproduction of information by the recipient and is retrievable in paper form by the receipt through an automated process. ~~All~~

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~~notices provided for in this section may be transmitted electronically and shall have the same legal effect as if physically posted or mailed.~~

(i) "Electronically posted" means providing notices of decisions, results, or records, including inspection records, through the use of a website or other form of electronic communication used to transmit or display information.

(j) "Immediate threat to public safety and welfare" means a building code violation that, if allowed to persist, constitutes an immediate hazard that could result in death, serious bodily injury, or significant property damage. This paragraph does not limit the authority of the local building official to issue a Notice of Corrective Action at any time during the construction of a building project or any portion of such project if the official determines that a condition of the building or portion thereof may constitute a hazard when the building is put into use following completion as long as the condition cited is shown to be in violation of the building code or approved plans.

(k) "Local building official" means the individual within the governing jurisdiction responsible for direct regulatory administration or supervision of plans review, enforcement, and inspection of any construction, erection, alteration, demolition, or substantial improvement of, or addition to, any structure for which permitting is required to indicate compliance with applicable codes and includes any duly authorized designee of such person.

(l) "Permit application" means a properly completed and submitted application for the requested building or construction permit, including:

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1. The plans reviewed by the private provider, inclusive of site plans by a licensed reviewer, or in the case of a single-trade plans review where a private provider uses an automated or software-based plans review system pursuant to subsection (6), the information reviewed by the automated or software-based plans review system to determine compliance with one or more applicable codes.

2. The affidavit from the private provider required under subsection (6).

3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

All permit applications must be able to be submitted electronically.

(m) "Plans" means building plans, site engineering plans, or site plans, or their functional equivalent, submitted by a fee owner or fee owner's contractor to a private provider or duly authorized representative for review.

(n) "Private provider" means a person licensed as a building code administrator under part XII of chapter 468, as an engineer under chapter 471, or as an architect under chapter 481. For purposes of performing inspections under this section for additions and alterations that are limited to 2,500 ~~1,000~~ square feet or less to residential buildings, the term "private provider" also includes a person who holds a standard certificate under part XII of chapter 468.

(o) "Private provider firm" means a business organization,

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including a corporation, partnership, business trust, or other legal entity, which offers services under this chapter to the public through persons ~~licensees~~ who are acting as agents, employees, officers, or partners of the firm. A person who is licensed as a building code administrator under part XII of chapter 468, an engineer under chapter 471, or an architect under chapter 481 may act as a private provider for an agent, employee, or officer of the private provider firm.

(p) "Request for certificate of occupancy or certificate of completion" means a properly completed and executed application for:

1. A certificate of occupancy or certificate of completion.
2. A certificate of compliance from the private provider required under subsection (14) ~~(13)~~.
3. Any applicable fees.
4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

All applications must be able to be submitted electronically.

(q) "Single-trade inspection" or "single-trade plans review" means any inspection or plans review focused on a single construction trade, such as plumbing, mechanical, or electrical. The term includes, but is not limited to, inspections or plans reviews of door or window replacements; fences and block walls more than 6 feet high from the top of the wall to the bottom of the footing; stucco or plastering; reroofing with no structural alteration; solar energy and energy storage installations or alterations; HVAC replacements; ductwork or fan replacements;

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alteration or installation of wiring, lighting, and service panels; water heater changeouts; sink replacements; and repiping.

(r) "Site work" means the portion of a construction project that is not part of the building structure, including, but not limited to, grading, excavation, landscape irrigation, and installation of driveways.

(s) "Stop-work order" means the issuance of any written statement, written directive, or written order which states the reason for the order and the conditions under which the cited work will be permitted to resume.

(t) "System of registration" means the system used to verify compliance with the licensure and insurance requirements for a private provider firm under this chapter.

(2)(a) Notwithstanding any other law or local government ordinance or local policy, the fee owner of a building or structure, or the fee owner's contractor upon ~~written~~ authorization from the fee owner, may choose at any time to use a private provider to provide building code inspection services with regard to such building or structure and may make payment directly to the private provider for the provision of such services. All such services shall be the subject of an agreement ~~a written contract~~ between the private provider, or the private provider's firm, and the fee owner or the fee owner's contractor, upon ~~written~~ authorization of the fee owner. The agreement is not required to be submitted as part of the permit application or as a condition for issuing a permit, and a local building official or local government entity may not request such agreement or consent form as a condition for issuing a

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407 permit. The fee owner may elect to use a private provider to
408 provide plans review or required building inspections, or both.
409 However, if the fee owner or the fee owner's contractor uses a
410 private provider to provide plans review, the local building
411 official, in his or her discretion and pursuant to duly adopted
412 policies of the local enforcement agency, may require the fee
413 owner or the fee owner's contractor to use a private provider to
414 also provide required building inspections.

415 (b) If a fee ~~an~~ owner or the fee owner's contractor retains
416 a private provider for purposes of plans review or building
417 inspection services, the local jurisdiction must reduce the
418 permit fee by the amount of cost savings realized by the local
419 enforcement agency for not having to perform such services. Such
420 reduction may be calculated on a flat fee or percentage basis,
421 or any other reasonable means by which a local enforcement
422 agency assesses the cost for its plans review or inspection
423 services. The reduced permit fee must be based on the cost
424 incurred by the local jurisdiction, including the labor cost of
425 the personnel providing such services and the clerical and
426 supervisory assistance required to comply with this section. The
427 local jurisdiction may not charge any additional fees for
428 building inspections or plans review if the fee owner or the fee
429 owner's contractor hires a private provider to perform such
430 services, and the local jurisdiction may not charge punitive
431 administrative fees for working with a private provider;
432 ~~however, the local jurisdiction may charge a reasonable~~
433 ~~administrative fee, which shall be based on the cost that is~~
434 ~~actually incurred, including the labor cost of the personnel~~
435 ~~providing the service, by the local jurisdiction or attributable~~

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~~to the local jurisdiction for the clerical and supervisory assistance required, or both.~~

(c) If a fee ~~an~~ owner or the fee owner's ~~a~~ contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must immediately provide equal access to all permitting and inspection documents and reports to the private provider, owner, and contractor if such access is provided by software that protects exempt records from disclosure.

(d) A local governmental entity or local building official may not require additional forms beyond those required at registration, except for the written notice required under subsection (4), if a fee owner or the fee owner's contractor uses a private provider.

(3) A private provider and any duly authorized representative may only perform building code inspection services that are within the disciplines covered by that person's licensure or certification under chapter 468, chapter 471, or chapter 481, including single-trade inspections. A private provider may not provide building code inspection services pursuant to this section upon any building designed or constructed by the private provider or the private provider's firm.

(4) A fee owner or the fee owner's contractor using a private provider to provide building code inspection services shall notify the local building official in writing at the time of permit application, or by 2 p.m. local time, 2 business days before the first scheduled inspection by the local building official or building code enforcement agency that a private

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provider has been contracted to perform the required inspections of construction under this section, including single-trade inspections, on the exact ~~a~~ form ~~to be~~ adopted by the commission. Such form may not be altered by any local governmental entity or local building official. This notice must ~~shall~~ include the following information:

(a) The services to be performed by the private provider.

(b) The name, firm, address, telephone number, and e-mail address of each private provider who is performing or will perform such services, his or her professional license or certification number, ~~qualification statements or resumes,~~ and, if required by the local building official, a certificate of insurance demonstrating that professional liability insurance coverage is in place for the private provider's firm, the private provider, and any duly authorized representative in the amounts required by this section.

(c) An acknowledgment from the fee owner or the fee owner's contractor in substantially the following form:

I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law. Instead, plans review and/or required

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building inspections will be performed by licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local government, the local building official, and their building code enforcement personnel from any and all claims arising from my use of these licensed or certified personnel to perform building code inspection services with respect to the building or structure that is the subject of the enclosed permit application.

If the fee owner or the fee owner's contractor makes any changes to the listed private providers or the services to be provided by those private providers, the fee owner or the fee owner's contractor shall, within 1 business day after any change or within 2 business days before the next scheduled inspection, update the notice to reflect such changes. A change of a duly authorized representative named in the permit application does not require a revision of the permit, and the building code enforcement agency shall not charge a fee for making the change.

(5) After construction has commenced and if ~~either the local building official is unable to provide inspection services~~

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523 ~~in a timely manner or~~ the work subject to inspection is related
524 to a single-trade inspection for a single-family or two-family
525 dwelling, the fee owner or the fee owner's contractor may elect
526 to use a private provider to provide inspection services by
527 notifying the local building official of the owner's or
528 contractor's intention to do so ~~by 2 p.m. local time, 2 business~~
529 ~~days~~ before the next scheduled inspection using the notice
530 provided for in paragraphs (4) (a)-(c).

531 (6) A private provider performing plans review under this
532 section shall review the plans to determine compliance with the
533 applicable codes. For single-trade plans reviews, a private
534 provider may use an automated or software-based plans review
535 system designed to determine compliance with one or more
536 applicable codes, including, but not limited to, the National
537 Electrical Code and the Florida Building Code. Upon determining
538 that the plans reviewed comply with the applicable codes, the
539 private provider shall prepare an affidavit or affidavits
540 certifying, under oath, that the following is true and correct
541 to the best of the private provider's knowledge and belief:

542 (a) The plans were reviewed by the affiant, who is duly
543 authorized to perform plans review pursuant to this section and
544 holds the appropriate license or certificate.

545 (b) The plans comply with the applicable codes.

546
547 Such affidavit may bear a written or electronic signature and
548 must have the ability to ~~may~~ be submitted electronically to the
549 local building official.

550 (7) (a) The local building official may not review plans,
551 construction drawings, or any other related documents determined

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by a private provider to be compliant with the applicable codes.

(b) The local building official may review other forms and documents required under this section for completeness only. The local building official must provide written notice to a permit applicant of any incomplete forms or documents required under this section no later than 10 days after receipt of a permit application and an affidavit from the private provider as required in subsection (6). The written notice must state with specificity which forms or documents are incomplete.

~~(7)(a) No more than 20 business days, or if the permit application is related to a single trade plans review for a single-family or two-family dwelling, no more than 5 business days, after receipt of a permit application and the affidavit from the private provider required pursuant to subsection (6), the local building official shall issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections. If the local building official does not provide such a written notice of the plan deficiencies within 10 days the prescribed time period, the permit application must be deemed approved as a matter of law, and the permit must be issued by the local building official on the next business day.~~

~~(c)(b)~~ If the local building official provides a written notice of plan deficiencies to the permit applicant of any incomplete forms or documents required under this section at the time of plan submission within the 10-day prescribed time period, such the time period is tolled pending resolution of the matter. To resolve the issues raised in the notice plan

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581 ~~deficiencies~~, the permit applicant may elect to dispute the
582 issues ~~deficiencies~~ pursuant to subsection (16) ~~(15)~~ or to
583 submit revisions to correct the issues ~~deficiencies~~.

584 (d) ~~(e)~~ If the permit applicant submits revisions, the local
585 building official has the remainder of the tolled 10-day time
586 period plus 5 business days ~~after the date of resubmittal~~ to
587 issue the requested permit or to provide a second written notice
588 to the permit applicant stating which of the previously
589 identified forms or documents ~~plan features~~ remain incomplete ~~in~~
590 ~~noncompliance with the applicable codes, with specific reference~~
591 ~~to the relevant code chapters and sections~~. Any subsequent
592 review by the local building official is limited to the issues
593 ~~deficiencies~~ cited in the original written notice. If the local
594 building official does not provide the second written notice
595 within the prescribed time period, the permit must be deemed
596 approved as a matter of law, and the local building official
597 must issue the permit on the next business day.

598 (e) ~~(d)~~ If the local building official provides a second
599 written notice ~~of plan deficiencies~~ to the permit applicant
600 within the prescribed time period, the permit applicant may
601 elect to dispute the issues raised in the second notice
602 ~~deficiencies~~ pursuant to subsection (16) ~~(15)~~ or to submit
603 additional revisions to correct the issues ~~deficiencies~~. For all
604 revisions submitted after the first revision, the local building
605 official has an additional 5 business days ~~after the date of~~
606 ~~resubmittal~~ to issue the requested permit or to provide a
607 written notice to the permit applicant stating which of the
608 previously identified forms or documents ~~plan features~~ remain
609 incomplete. If the local building official does not provide the

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notice within the prescribed time period, the permit shall be
deemed approved as a matter of law, and the local building
official must issue the permit on the next business day ~~in~~
~~noncompliance with the applicable codes, with specific reference~~
~~to the relevant code chapters and sections.~~

(8) A private provider performing required inspections under this section shall inspect each phase of construction as required by the applicable codes. Such inspection, including a single-trade inspection, may be performed in person or virtually. The private provider may have a duly authorized representative perform the required inspections, provided all required reports are prepared by and bear the written or electronic signature of the private provider or the private provider's duly authorized representative. The duly authorized representative must be supervised by or be an employee of the private provider and be entitled to receive reemployment assistance benefits under chapter 443. The contractor's contractual or legal obligations are not relieved by any action of the private provider.

~~(9) A private provider performing required inspections under this section shall provide notice to the local building official of the approximate date and time of any such inspection. The local building official may not prohibit the private provider from performing any inspection outside the local building official's normal operating hours, including after hours, weekends, or holidays. The local building official may visit the building site as often as necessary to verify that the private provider is performing all required inspections. A deficiency notice must be posted by the private provider or, the~~

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duly authorized representative of the private provider, ~~or the building department~~ whenever a noncomplying item related to the building code or the permitted documents is found. Such notice may be physically posted at the job site or electronically posted. After corrections are made, the item must be reinspected by the private provider or his or her representative before being concealed. ~~Reinspection or reaudit fees shall not be charged by~~ The local jurisdiction may not charge any fees related to the reinspection or any administrative matter related to the reinspection.

(10) A local building official is not responsible for the regulatory administration or supervision of building code inspection services performed by a private provider hired by a fee owner or the fee owner's contractor. Verification of licensure and insurance requirements for a private provider firm's duly authorized representative is the responsibility of the private provider firm's management, and the local building official may not verify compliance or store information relating to such verification as a result of the local jurisdiction's audit inspection occurring before the performance of the private provider's inspection or for any other administrative matter not involving the detection of a violation of the building code or a permit requirement.

(11) ~~(10)~~ If the private provider is a person licensed as an engineer under chapter 471 or an architect under chapter 481 and affixes his or her professional seal to the affidavit required under subsection (6), the local building official must issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not

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668 comply with the applicable codes, as well as the specific code
669 chapters and sections, within 10 business days after receipt of
670 the permit application and affidavit. In such written notice,
671 the local building official must provide with specificity the
672 plan's deficiencies, the reasons the permit application failed,
673 and the applicable codes being violated. If the local building
674 official does not provide specific written notice to the permit
675 applicant within the prescribed 10-day period, the permit
676 application is deemed approved as a matter of law, and the local
677 building official must issue the permit on the next business
678 day.

679 (12)~~(11)~~ If equipment replacements and repairs must be
680 performed in an emergency situation, subject to the emergency
681 permitting provisions of the Florida Building Code, a private
682 provider may perform emergency inspection services ~~without first~~
683 ~~notifying the local building official pursuant to subsection~~
684 ~~(9)~~. A private provider must conduct the inspection within 3
685 business days after being contacted to conduct an emergency
686 inspection and must submit the inspection report to the local
687 building official within 1 day after the inspection is
688 completed.

689 (13)~~(12)~~ Upon completing the required inspections at each
690 applicable phase of construction, the private provider shall
691 record such inspections on a form provided by the commission
692 ~~acceptable to the local building official~~. The form must bear
693 the written or electronic signature of the private provider or
694 the private provider's duly authorized representative. These
695 inspection records must ~~shall~~ reflect those inspections required
696 by the applicable codes of each phase of construction for which

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697 permitting by a local enforcement agency is required. The
698 private provider, upon completion of the required inspection,
699 shall post each completed inspection record, indicating pass or
700 fail, and provide the record to the local building official
701 within 4 2 business days. Such inspection record may be
702 electronically posted by the private provider, or the private
703 provider may post such inspection record physically at the
704 project site. The private provider may electronically transmit
705 the record to the local building official. The local building
706 official may not fail any inspection that is performed by a
707 private provider for not having the inspection records at the
708 job site if the inspection records are transmitted within 4
709 business days. The local building official may waive the
710 requirement to provide a record of each inspection within 4 2
711 business days if the record is electronically posted or posted
712 at the project site and all such inspection records are
713 submitted with the certificate of compliance. Unless the records
714 have been electronically posted and transmitted, records of all
715 required and completed inspections shall be maintained at the
716 building site at all times and made available for review by the
717 local building official. The private provider shall report to
718 the local enforcement agency any condition that poses an
719 immediate threat to public safety and welfare.

720 (14)~~(13)~~ Upon completion of all required inspections, the
721 private provider shall prepare a certificate of compliance, on a
722 form provided by the commission ~~acceptable to the local building~~
723 ~~official~~, summarizing the inspections performed and including a
724 written representation, under oath, that the stated inspections
725 have been performed and that, to the best of the private

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provider's knowledge and belief, the building construction inspected complies with the approved plans and applicable codes. The certificate of compliance may be signed by any qualified individual employed by the private provider under whose authority the inspection was completed. The statement required of the private provider shall be substantially in the following form and shall be signed and sealed by a private provider as established in subsection (1) or may be electronically transmitted to the local building official:

To the best of my knowledge and belief, the building components and site improvements outlined herein and inspected under my authority have been completed in conformance with the approved plans and the applicable codes.

(15) (a) ~~(14) (a)~~ The local building official may perform building inspections of construction that a private provider has determined to be compliant with the applicable codes only if the local building official has actual knowledge that the private provider did not perform the required inspections. If the local building official has such knowledge, the local building official must provide to the private provider written notice of the facts and circumstances upon which the local building official relied for such actual knowledge before performing a required inspection. The local building official may review forms and documents required under this section for completeness only. No more than 10 business days, or if the permit is related to single-family or two-family dwellings then no more than 2

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business days, after receipt of a request for a certificate of occupancy or certificate of completion and the applicant's presentation of a certificate of compliance and approval of all other government approvals required by law, including the payment of all outstanding fees, the local building official shall issue the certificate of occupancy or certificate of completion or provide a notice to the applicant of any incomplete forms or documents required under this section ~~identifying the specific deficiencies, as well as the specific code chapters and sections.~~

(b) If the local building official does not provide notice of any incomplete forms or documents ~~the deficiencies~~ within the applicable time periods under paragraph (a), the request for a certificate of occupancy or certificate of completion is automatically granted and deemed issued as of the next business day. The local building official must provide the applicant with the written certificate of occupancy or certificate of completion within 2 ~~10~~ days after it is automatically granted and issued. To resolve any identified issues ~~deficiencies~~, the applicant may elect to dispute the issues ~~deficiencies~~ pursuant to subsection (16) ~~(15)~~ or to submit a corrected request for a certificate of occupancy or certificate of completion.

(16) ~~(15)~~ If the local building official determines that any forms or documents required under this section are incomplete ~~the building construction or plans do not comply with the applicable codes~~, the official may deny the permit or request for a certificate of occupancy or certificate of completion, as appropriate, or may issue a stop-work order for the project or any portion thereof as provided by law, if the official

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determines that the noncompliance poses an immediate threat to public safety and welfare, subject to the following:

(a) The local building official shall be available to meet with the private provider within 2 business days to resolve any dispute after issuing a stop-work order or providing notice to the applicant denying a permit or request for a certificate of occupancy or certificate of completion.

(b) If the local building official and private provider are unable to resolve the dispute, the matter shall be referred to the local enforcement agency's board of appeals, if one exists, which shall consider the matter at its next scheduled meeting or sooner. Any decisions by the local enforcement agency's board of appeals, or local building official if there is no board of appeals, may be appealed to the commission as provided by this chapter.

(c) Notwithstanding any provision of this section, any decisions regarding the issuance of a building permit, certificate of occupancy, or certificate of completion may be reviewed by the local enforcement agency's board of appeals, if one exists. Any decision by the local enforcement agency's board of appeals, or local building official if there is no board of appeals, may be appealed to the commission as provided by this chapter, which shall consider the matter at the commission's next scheduled meeting.

(17)~~(16)~~ For the purposes of this section, any notice to be provided by the local building official shall be deemed to be provided to the person or entity when successfully transmitted to the e-mail address listed for that person or entity in the permit application or revised permit application, or, if no e-

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mail address is stated, when actually received by that person or entity.

(18) (a) ~~(17) (a)~~ A local enforcement agency, local building official, or local government may not adopt or enforce any laws, rules, procedures, policies, qualifications, or standards more stringent than those prescribed by this section.

(b) A local enforcement agency, local building official, or local government must ~~may~~ establish, for private providers and ~~private provider firms, and duly authorized representatives~~ working within that jurisdiction, a system of registration to verify compliance with the ~~license~~ requirements of paragraph (1) (n) and the insurance requirements of subsection (19) ~~(18)~~. The local building official may not charge administrative fees for the registration process for a private provider, or for any updates to a private provider registration.

(c) This section does not limit the authority of the local building official to issue a stop-work order for a building project or any portion of the project, as provided by law, if the official determines that a condition on the building site constitutes an immediate threat to public safety and welfare, provided such orders are in strict compliance with the deficiency notice provisions of subsection (9).

(d) A local enforcement agency, local building official, or local government may not prohibit or limit the use of virtual inspections by private providers and private provider firms for any type of construction such providers or firms have a license to inspect.

(19) ~~(18)~~ A private provider may perform building code inspection services on a building project under this section

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only if the private provider maintains insurance for professional liability covering all services performed as a private provider. Such insurance shall have minimum policy limits of \$1 million per occurrence and \$2 million in the aggregate for any project with a construction cost of \$5 million or less and \$2 million per occurrence and \$4 million in the aggregate for any project with a construction cost of over \$5 million. Nothing in this section limits the ability of a fee owner to require additional insurance or higher policy limits. For these purposes, the term "construction cost" means the total cost of building construction as stated in the building permit application. If the private provider chooses to secure claims-made coverage to fulfill this requirement, the private provider must also maintain coverage for a minimum of 5 years after ~~subsequent to~~ the performance of building code inspection services. The insurance required under this subsection shall be written only by insurers authorized to do business in this state with a minimum A.M. Best's rating of A. Before providing building code inspection services within a local building official's jurisdiction, a private provider must provide to the local building official a certificate of insurance evidencing that the coverages required under this subsection are in force.

(20) ~~(19)~~ When performing building code inspection services, a private provider is subject to the disciplinary guidelines of the applicable professional board with jurisdiction over his or her license or certification under chapter 468, chapter 471, or chapter 481. All private providers shall be subject to the disciplinary guidelines of s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of a

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private provider's performance of building code inspection services shall be conducted by the applicable professional board.

(21)~~(20)~~ A local building code enforcement agency may not audit the performance of building code inspection services by private providers operating within the local jurisdiction until the agency has created standard operating ~~private provider audit~~ procedures for the agency's internal inspection and review staff, which includes, at a minimum, the private provider audit purpose and scope, private provider audit criteria, an explanation of private provider audit processes and objections, and detailed findings of areas of noncompliance. Such private provider audit procedures must be publicly available online, and a printed version must be readily accessible in agency buildings. The private provider audit results of staff for the prior two quarters also must be publicly available. The agency's audit processes must adhere to the agency's posted standard operating audit procedures. The same private provider or private provider firm may not be audited more than four times in a year unless the local building official determines a condition of a building constitutes an immediate threat to public safety and welfare, which must be communicated in writing to the private provider or private provider firm. The private provider or private provider firm must be given notice of each audit to be performed at least 5 business days before the audit. Work on a building or structure may proceed after inspection and approval by a private provider. The work may not be delayed for completion of an inspection audit by the local building code enforcement agency.

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900 ~~(22)(21)~~ The local government, the local building official,
901 and their building code enforcement personnel shall be immune
902 from liability to any person or party for any action or inaction
903 by a fee owner of a building, or by a private provider or its
904 duly authorized representative, in connection with building code
905 inspection services as authorized in this act. The local
906 government, local building official, and building code
907 enforcement personnel may not prohibit or discourage the use of
908 a private provider or a private provider firm.

909 ~~(23)(22)~~ Notwithstanding any other law, a county, a
910 municipality, a school district, or an independent special
911 district may use a private provider or a private provider firm
912 to provide building code inspection services for a public works
913 project, an improvement, a building, or any other structure that
914 is owned by the county, municipality, school district, or
915 independent special district.

916 Section 6. Section 553.792, Florida Statutes, is amended to
917 read:

918 553.792 Building permit application to local government.—

919 (1) The Florida Building Commission shall develop a uniform
920 building permit application for mandatory use by local
921 governments. The application must include a checklist by project
922 type for permitted work.

923 ~~(2)(a)(1)(a)~~ A local government must approve, approve with
924 conditions, or deny a building permit application after receipt
925 of a completed and sufficient application within the following
926 timeframes, unless the applicant waives such timeframes in
927 writing:

928 1. Within 5 business days after receiving a complete and

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sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits for an existing single-family residential dwelling if the value of the work is less than \$15,000: structural, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

~~2.4.~~ Within 30 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits if the structure is less than 7,500 square feet: residential units, including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

~~3.2.~~ Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits if the structure is 7,500 square feet or more: residential units, including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

~~4.3.~~ Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: signs or nonresidential buildings that are less than 25,000 square feet.

~~5.4.~~ Within 60 business days after receiving a complete and sufficient application, for an applicant using a local

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government plans reviewer to obtain the following building permits: multifamily residential, not exceeding 50 units; site-plan approvals and subdivision plats not requiring public hearing or public notice; and lot grading and site alteration.

~~6.5.~~ Within 12 business days after receiving a complete and sufficient application, for an applicant using a master building permit consistent with s. 553.794 to obtain a site-specific building permit.

~~7.6.~~ Within 10 business days after receiving a complete and sufficient application, for an applicant for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered by the Department of Commerce, unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

However, the local government may not require the waiver of the timeframes in this section as a condition precedent to reviewing an applicant's building permit application.

(b) A signed and sealed permit application and an attestation by an architect licensed under chapter 481 or an engineer licensed under chapter 471 that the plans in the permit application comply with the Florida Building Code for the construction or renovation of a single-family dwelling located in a jurisdiction for which a state of emergency was issued within the 24 months before the submission of the application is deemed approved. The local government shall issue such permit within 2 days after approval.

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987 (c)~~(b)~~ A local government must meet the timeframes set
988 forth in this section for reviewing building permit applications
989 unless the timeframes set by local ordinance are more stringent
990 than those prescribed in this section.

991 (d)~~(e)~~ After an applicant submits an application to the
992 local government, the local government must provide written
993 notice to the applicant within 5 business days after receipt of
994 the application advising the applicant what information, if any,
995 is needed to deem or determine that the application is properly
996 completed in compliance with the filing requirements published
997 by the local government. If the local government does not
998 provide timely written notice that the applicant has not
999 submitted the properly completed application, the application is
1000 automatically deemed or determined to be properly completed and
1001 accepted.

1002 (e)~~(d)~~ A local government shall maintain on its website a
1003 policy containing procedures and expectations for expedited
1004 processing of those building permits and development orders
1005 required by law to be expedited.

1006 (f)~~(e)~~ If a local government fails to meet a deadline under
1007 this subsection, it must reduce the building permit fee by 10
1008 percent for each business day that it fails to meet the
1009 deadline, unless the parties agree in writing to a reasonable
1010 extension of time, the delay is caused by the applicant, or the
1011 delay is attributable to a force majeure or other extraordinary
1012 circumstances. Each 10-percent reduction shall be based on the
1013 original amount of the building permit fee, unless the parties
1014 agree to an extension of time.

1015 (g)~~(f)~~ A local enforcement agency does not have to reduce

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the building permit fee if it provides written notice to the applicant by e-mail or United States Postal Service within the respective timeframes in paragraph (a) which specifically states the reasons the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances. The written notice must also state that the applicant has 10 business days after receiving the written notice to submit revisions to correct the permit application and that failure to correct the application within 10 business days will result in a denial of the application.

(h)~~(g)~~ If the applicant submits revisions within 10 business days after receiving the written notice, the local enforcement agency has 10 business days after receiving such revisions to approve or deny the building permit unless the applicant agrees to a longer period in writing. If the local enforcement agency fails to issue or deny the building permit within 10 business days after receiving the revisions, it must reduce the building permit fee by 20 percent for each business day that it fails to meet the deadline unless the applicant agrees to a longer period in writing.

(3)~~(2)~~ If any building permit fees are refunded under this section, the surcharges provided in s. 468.631 or s. 553.721 must be recalculated based on the amount of the building permit fees after the refund.

Section 7. Paragraph (c) is added to subsection (1) of section 720.3035, Florida Statutes, to read:

720.3035 Architectural control covenants; parcel owner improvements; rights and privileges.—

(1)

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1045 (c) An association or any architectural, construction
1046 improvement, or other such similar committee of an association
1047 may not require a building permit to be issued by a governmental
1048 authority to a parcel owner as a prerequisite for review by the
1049 association or committee concerning the construction of
1050 structures or improvements on the parcel.

1051 Section 8. This act shall take effect July 1, 2026.